The Hon'ble Sri Justice D.S.R.Varma

W.P.No.27760 of 1998

Dated:19th July,2006

Between:

A.P.S.R.T.C, rep. By its Managing Direcctor, Mushirabad, Hyderabad.

..Petitioner

and

1.State Transport AppellateTribunal, A.P., Hyderabad, rep.by its Presiding Officer and others.

..Respondents

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Oral order:-

Heard both sides.

Petitioner seeks a writ of Certiorari to quash the order, dated 4.9.1998, in A.P.No.21 of 1996, passed by the first

respondent-State Transport Appellate Tribunal, A.P., Hyderabad, wherein and whereby the order in Rc.No.1649/A2/94, dated 4.12.1995, passed by the 2nd respondent-Regional Transport Authority, Karimnagar, was set aside and the 2nd respondent was directed to issue stage-carriage permit to the 3rd respondent on the modified fair weather route from Karimnagar Caltex Petrol Pump to Charlapalli village.

The third respondent and seven others applied to the 2nd respondent-Regional Transport Authority, Karimnagar, for grant of stage carriage permits to each of them on the fair weather route, viz., Karimnagar Caltex Petrol Pump to Ellanthakunta, *via* P.G.Centre, Alugunur, Thimmapur, Cherlapalli, Nusthulapuram, Kothapalli, Renikunta bridge, Renikunta village, Devakkapalli, Jagadanapalli quarters, Cheemalapally, Begumpet, Rallapalli, Keshannapalli, Kuskanpeta, and back.

By a common order, dated 4.12.1995, in Rc.No.1649/A2/94, 2nd respondent-Regional Transport Authority, Karimnagar, rejected all aforesaid the applications on the ground that the route is not motorable from Cherlapalli to Kothapalli, as it is submerged in Lower Maneru Dam Waters.

Aggrieved by the same, the 3rd respondent and others filed separate appeals before the 1st respondent - State Transport Appellate Tribunal, Hyderabad. The appeal filed by the respondent was numbered as A.P.No.21 of 1996. The 3rd respondent filed M.P.No.162 of 1998 in A.P.No.21 of 1996, for modification of the route as "Karimnagar Caltex Petrol Pump to Ellanthakunta", which is of a distance of 16.4 kilometers, because a large part of the route from Cherlapalli to Kushanpeta is not motorable. The said application, M.P.No.162 of 1998, was allowed by the first respondent after considering the merits and, ultimately, the appeal filed by the 3rd respondent was allowed by the first respondent by order, dated 4-9-1998, setting aside the order, dated 4.12.1995, in Rc.No.1649/A2/94, passed by the 2nd respondent- Regional Transport Authority, Karimnagar, and directing the 2nd respondent to issue stage-carriage permit to the 3rd respondent on the modified fair weather route from Karimnagar Caltex Petrol Pump to Charlapalli village, which is of a length of 16.4 .K.Ms.

Aggrieved by the same, the Andhra Pradesh State Road

Transport Corporation (for brevity "the Corporation") has filed this writ petition under Article 226 of the Constitution of India.

It is to be noted that the Corporation got itself impleaded as 2nd respondent in the appeal, A.P.No.21 of 1996, which was filed by the 3rd respondent herein, before the first respondent-Appellate Tribunal.

Learned Standing Counsel for the Corporation, appearing for the writ petitioner, contends that there was no order passed by the Original Authority and, therefore, there cannot be any possible reason for the appellate authority to pass the order in the appeal as the one passed by it, which is impugned in this writ petition. He, therefore, prays that the matter may be remanded to the Original Authority for consideration afresh and for passing appropriate orders.

It is on record that the writ petitioner-Corporation got itself impleaded as second respondent in the appeal filed by the third respondent-herein before the 1st respondent-Appellate Tribunal and contested the matter. The appellate authority went into the merits of the case and passed orders modifying the route on the ground that certain parts of it were submerged in Lower Maneru Dam waters. The first respondent-Appellate Tribunal passed the impugned order, dated 4-9-1998, in the appeal A.P.No.21 of 1996, after considering all the factual aspects of the matter by assigning cogent and convincing reasons. This Court, exercising extraordinary jurisdiction under Article 226 of the Constitution of India, cannot go into the factual aspects of the matter in order to arrive at a different conclusion than the one arrived at by the Appellate Authority.

For the above reasons, this writ petition is without merit and the same is liable to be dismissed.

In the result, this writ petition is dismissed. However, it is made clear that it is always open to the competent authority to modify the route, in case there are any subsequent changed circumstances, after giving due opportunity of hearing to both parties. No costs.

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D.S.R.Varma,J

19-7-2006

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